

REMARKS

Claims 1, 4-14 and 16-25 are pending in the Application. Claims 18-22 have been withdrawn from consideration subject to a Restriction Requirement. Claims 2, 3 and 15 have been canceled without prejudice and without disclaimer of subject matter. Claims 1, 4, 9-13, 16 and 17 have been amended. New Claims 23-25 have been added. Claims 1, 4-14, 16-17, and 23-25 are therefore presented for examination. No new matter has been added.

Claims 9, 10-13, 16 and 17 were rejected in the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, with regard to Claims 9 and 10, the Office Action states that the Applicant “may not claim portions of a person’s body”. Claims 9 and 10 have been amended to further define the “means for affixing the housing” rather than attempting to further define the location on the golfer’s body where the housing is affixed.

Regarding Claims 11 and 12, Applicant has amended these claims to further define what the laser beam is directed toward, rather than identifying the external reference.

Regarding Claims 13, 16 and 17, the term “indication” has been replaced by the terms “alignment information” and, Claims 16 and 17 now further define the “active comparison”, a claimed element in independent Claim 13.

Applicant believes the amendments to Claims 9, 10-13, 16 and 17 obviate the rejection under 35 U.S.C. § 112, second paragraph. Applicant therefore respectfully request that the rejection be withdrawn.

Claims 1-3, 5, 6, 8-14 and 16-17 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,284,345 to Jehn. Jehn discloses a laser indicator

affixed to the brim of a golf hat wherein the laser is directed at a golf ball in order to assist the golfer in taking the proper hitting position. Jehn does not disclose a housing having a laser that comprises “a swiveling member that allows the laser to be directed in a plurality of planes”, as is now recited in amended Claim 1. Applicant claims “a swiveling member”, an element fully supported in the specification (page 8, lines 8-13). Further, the swiveling member (shown, as 43 in, for example, FIG. 1A) allows laser 20 to be rotated in any plane. By contrast, in Jehn, the laser module 3 may only rotate up or down, i.e. *in only one plane*, due to the limitations imposed by the opposing walls that define the U-shaped 25, as shown clearly in FIG. 1. The walls prevent the laser module 3 from moving in a side-to-side, lateral orientation. Because of this limitation, the laser module 3 cannot be placed on locations on the golfer’s body such as the ankle or hip, since it cannot be adjusted *laterally* and be aimed at a specific target. Although placement on the golfer’s hat allows for up-and-down movement of the laser, the inability of Jehn to provide a laser module that can be adjusted to direct its beam along *any plane*, severely limits its effectiveness. Because Jehn does not contain every element of Claim 1, as now amended, Jehn cannot constitute 102(b) prior art and, consequently, this claim is believed to be patentable. Applicant therefore respectfully requests the withdrawal of this rejection.

Claims 5-6 and 8-12 are each dependent either directly or indirectly from independent Claim 1. These claims recite additional limitations, which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore also believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jehn in view of U.S. Patent No. 4,406,040 to Cannone. Claim 1 has been amended to include features that are

not disclosed or suggested by the cited references. Specifically, neither Jehn nor Cannone, whether taken alone or in combination, discloses or suggests a golf laser aid device comprising a housing with a laser, wherein the housing comprises "a swiveling member that allows the laser to be directed in a plurality of planes". Claim 7 is therefore believed patentable and the withdrawal of the rejection of this claim is respectfully requested.

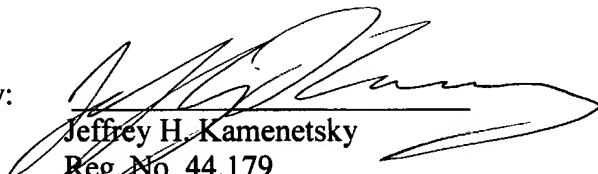
Applicant thanks the Examiner for the indication that Claim 4 is allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 4 has not been so rewritten because its base claim, amended Claim 1, is believed to be allowable. However, Claim 4 has been rewritten and represented as new independent Claim 23. Claim 23 is therefore deemed allowable.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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